



# Memorandum


**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** William L. McDonald

**SUBJECT:** SEE BELOW

**DATE:** August 20, 2012

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Approved  Date 8/20/12

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**SUBJECT: RESPONSE TO CIVIL GRAND JURY REPORT: "CONTINUITY IN FIRE SERVICE DELIVERY."**

## REASON FOR ADDENDUM

The Civil Grand Jury Report received on the "Continuity in Fire Service Delivery" did not result in any findings or recommendations and therefore a response was not required. However, in staff's review of the report, we found that clarification and comment was warranted in the information presented regarding the City of San José's "squad concept."

## RECOMMENDATION

Accept and approve the staff comments to the Civil Grand Jury Report "Continuity in Fire Service Delivery."

## OUTCOME

Consideration and acceptance of staff response to the Civil Grand Jury Report made public on June 4, 2012.

## BACKGROUND

On June 4, 2012, the Santa Clara County Civil Grand Jury released a report entitled, "Continuity in Fire Service Delivery." The report is a follow up of the June 2011 Grand Jury Report and identifies progress and improvements considered or implemented by Santa Clara County fire agencies over the past year. Three departments including the City of San José were highlighted with examples cited of significant strides towards enhancing service delivery. As the report did not result in any findings or recommendations, a response is not required.

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According to the report, "...findings, recommendations and agency responses to the Report were thoroughly reviewed by the Grand Jury. The Grand Jury participated in fire station visits and ride-alongs, which provided insight into the daily activities of fire stations." The subsequent Report is primarily based upon their consideration and analysis of the submitted responses and their understanding of follow up research and observations.

Clarification of the information presented in the 2012 Report regarding the City of San José's "squad concept" would however be appropriate. Page 4 of the Grand Jury Report states:

"San José Fire Department is in the process of developing a "squad concept" wherein smaller vehicles and smaller crews might be more strategically and economically located. If successful, this squad concept has the potential to eliminate a truck from existing stations and also stage vehicles closer to demand."

The information as described above could mislead the reader on the concept and intent of the Squad Program. On May 2, 2012, the Fire Department implemented the Squad Pilot Program and placed five 2-person squads into service. The Program was developed as a result of a comprehensive analysis of the City's system of fire stations and the assigned emergency resources (Emergency Deployment System). The scarcity of resources available to respond to emergencies in a city as geographically large and densely populated as San José and the critical importance of engine and truck companies, create the necessity for resources to be utilized to the fullest extent possible. The primary purpose of the Squad Pilot Program is to keep front line fire engines and trucks available as much as possible within their first-due response area by dispatching smaller units to lower priority emergencies. The expectation is that engines and trucks will remain available more often within their first due areas to respond to house fires, life-threatening illnesses and injuries and more complex and larger incidents. The anticipated impact of the Squad Program is that response times throughout the City will be faster and that multiple and major incidents will receive larger firefighting apparatus to the scene more quickly resulting in a much better incident outcome.

It is important to point out that Squads are a much different type of resource with much more limited capabilities than either an engine or a truck. There is no intention or expectation that Squads can replace truck companies and they will not be utilized to eliminate truck companies from a station or the Fire Department Deployment System.

## **ANALYSIS**

California Penal Code Section 933c requires that a governing body of the public agency which has been subject to a Grand Jury final report shall respond within 90 days to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under control of the governing body. The code section contains guidelines for responses requiring the City to state one of the following in response to the Grand Jury findings:

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- It agrees with the finding.
- It agrees partially with the finding and provides explanation.
- It disagrees wholly with finding and provides explanation.

In addition, for each Grand Jury recommendation, the City is required to report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with an implementation timeframe.
- The recommendation requires further analysis, with an explanation and the scope of the parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion, which shall not exceed six months from the date of publication of the Grand Jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

## **CONCLUSION**

As the Report contains no findings or recommendations, no response is provided. However, it is requested that this clarification of the mission and purpose of the Squad Pilot Program in the City of San José be attached to the Civil Grand Jury Report.

## **PUBLIC OUTREACH**

By the very nature of the Grand Jury's report and its release, public outreach requirements have been met. Additionally, upon approval of this memorandum by Council, the City Attorney will submit the memorandum to the presiding judge of the Superior Court.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

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**CEQA**

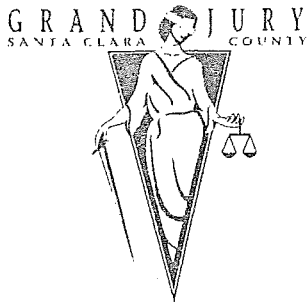
Not a Project, File No.PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos.

/s/

WILLIAM MCDONALD

Fire Chief

For questions please contact William McDonald, Fire Chief, at 794-6955.



June 4, 2012

Honorable Chuck Reed  
Mayor  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Dear Mayor Reed and Members of the City Council:

The 2011-2012 Santa Clara County Civil Grand Jury is pleased to send you its Final Report, **Continuity in Fire Service Delivery**, Filed with the Santa Clara County Superior Court Clerk on June 4, 2012. This is being sent to you as a courtesy. No response is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn G. Janoff". The signature is fluid and cursive, with a large, stylized "K" and "J".

KATHRYN G. JANOFF  
Foreperson  
2011-2012 Civil Grand Jury

KGJ:dsa  
Enclosure

cc: Ms. Debra Figone, City Manager, City of San Jose



**2011-2012 SANTA CLARA COUNTY  
CIVIL GRAND JURY REPORT**

(ENDORSED)  
**FILED**

JUN 04 2012

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk,  
Superior Court of CA County of Santa Clara  
BY D. ALDYCKI DEPUTY

**CONTINUITY IN FIRE SERVICE DELIVERY**

**Summary**

The 2011-2012 Grand Jury (Grand Jury) has reviewed all responses to the findings and recommendations issued by the 2010-2011 Grand Jury. This report results from reviewing the responses to the 2010-2011 report, "Fighting Fire or Fighting Change? Rethinking Fire Department Response Protocol and Consolidation Opportunities."<sup>1</sup>

**Background**

Agencies to which a grand jury addresses its reports are required by law to submit a written response. The grand jury is responsible for reviewing these agency responses. When an agency agrees with the grand jury's findings and/or recommendations and commits to taking action, the grand jury follows its progress in implementing change. When an agency disagrees with the findings and/or recommendations, the grand jury scrutinizes the agency's response for rationale and reasonableness. These follow-up functions by the grand jury broadly seek to ensure that the work of prior grand juries is taken seriously and treated with rigor by the responding agencies.

As required in California Penal Code Section 933.05 agencies are required to respond to report recommendations with one of four actions:

- Implemented
- Will implement
- Further Analysis
- Not implemented

The Grand Jury reviewed all responses to last year's reports and focused its attention on the responses to the report titled "Fighting Fire or Fighting Change? Rethinking Fire Department Response Protocol and Consolidation Opportunities" (Report). The Report noted that 96% of current firefighting emergency responses are not fire related and 70% are medical in nature. The low number of fire-related emergencies was attributed in large part due to new building codes that now call for the use of fire-retardant building materials and the installation of sprinkler systems in most buildings. The Report recommendations focused on three areas:

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<sup>1</sup> See the Grand Jury report and responses at  
[http://www.sccscourt.org/court\\_divisions/civil/cgj/grand\\_jury.shtml](http://www.sccscourt.org/court_divisions/civil/cgj/grand_jury.shtml)

- Reconsidering the fire response protocol in favor of an emergency response protocol tailored to the appropriate emergency need.
- Allowing management the ability to staff in appropriate numbers with the appropriate skill mixes consistent with daily, weekly or seasonal needs.
- Identifying consolidation opportunities to improve service and reduce cost.

## Methodology

Findings, recommendations and agency responses to the Report were thoroughly reviewed by the Grand Jury. The Grand Jury participated in fire station visits and "ride-alongs," which provided insight into the daily activities of fire stations. While the station visits did not inform this report, the Grand Jury wishes to thank and compliment the crews who hosted them. The Grand Jury has a greater appreciation for firefighting and emergency activities in the County.

## Discussion

The Grand Jury sought to understand what actions the Cities and County had undertaken beyond their written responses required. What it found was action being taken at all levels of fire service delivery.

All agency responses to the Report were timely and proactive regarding Grand Jury Recommendations. Sixteen agencies provided responses. The Grand Jury feels that the following three responses demonstrated a commitment to seriously look for solutions to the problems raised in the Report.

The Santa Clara County's September 1, 2011 Response<sup>2</sup>, issued by the Board of Supervisors (BOS) to the Grand Jury tasked the Central Fire Protection District<sup>3</sup> Chief as follows:

*Central Fire Protection District is currently working with the Santa Clara County Executive's Office, the Santa Clara County Fire Chiefs Association, the Santa Clara County City Managers Association and the labor organizations representing firefighters from throughout Santa Clara County to complete a cost/benefit analysis for consolidation of all fire service delivery in Santa Clara County.*

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<sup>2</sup> [http://www.sccscourt.org/court\\_divisions/civil/cgj/2011/responses/Fire/CountyBoardofSup.pdf](http://www.sccscourt.org/court_divisions/civil/cgj/2011/responses/Fire/CountyBoardofSup.pdf)

<sup>3</sup> Central Fire Protection District is an independent special district that serves as the County's fire protection agency.

*The study will explore a range of opportunities to improve operational efficiency and cost effectiveness of fire service delivery throughout Santa Clara County. The study will look at consolidation of services, contracts for service with other agencies, impacts of employee costs (health, pension, etc.), placement of stations and apparatus, automatic aid, boundary drops, regional communications, fire-based advance life support, fire prevention, apparatus purchasing and maintenance, equipment purchasing and maintenance, public education and emergency preparedness.*

*The study will take place in several phases:*

- 1. Identify opportunities to improve operational efficiency and cost effectiveness of fire service delivery throughout Santa Clara County.*
- 2. Evaluate and prioritize identified opportunities.*
- 3. Perform a cost/benefit analysis on those opportunities identified as having the greatest potential impact and possibility for success*

*A report is due to the Santa Clara County Board of Supervisors in November 2011.*

Central Fire Protection District Chief Kenneth Kehmna presented a response to the BOS in December 2011 with the report entitled "Consolidation of Fire Service Delivery in Santa Clara County Status Report." The report provides:

*In an effort to inspire cooperation and increase collaboration, the fire chiefs have also met with Santa Clara County Council of Professional Fire Fighters. I think it is fair to say that everyone recognizes the enormous problems we face financially and this provides us with an unparalleled opportunity to look at how we provide fire and emergency medical services across our county. We are all collectively excited about exploring the opportunities to improve how we do business going forward.<sup>4</sup>*

The report included a timeline for upcoming meetings on February 12, April 12, and June 12, 2012. It took the FY12/13 budget cycle into consideration as a guide toward "identifying vision, priorities and deliverables" regarding consolidation. The report was accepted by the BOS. A consortium of city and county firefighting agencies has been formed to address the issue of consolidation under Chief Kehmna's leadership. The consortium is of particular interest to the Grand Jury as it demonstrates the countywide collaboration recommended in the Report. One example of the consortium's efforts is that "boundary drops" are being implemented. Boundary drops allow coordination by individual fire agencies to function countywide without being constrained by municipal boundaries.

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<sup>4</sup> Report attached to the minutes of the BOS meeting, December 13, 2011, Item 16.



In addition to the work of the consortium, the Grand Jury noted actions that demonstrate individual fire departments are exploring ways to improve fire service delivery. For example, San Jose Fire Department is in the process of developing a "squad concept" wherein smaller vehicles and smaller crews might be more strategically and economically located. If successful, this squad concept has the potential to eliminate a truck from existing stations and also stage vehicles closer to the demand. Palo Alto's response to the Report cited multiple studies stemming from the Grand Jury recommendations. They reported visiting fire departments in San Mateo and West Jordan, Utah<sup>5</sup> to observe best practices and to establish benchmarks for the future.

## **Conclusion**

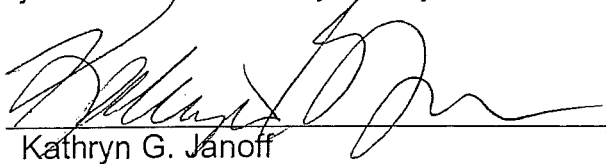
The Grand Jury found that actions reported by responding agencies demonstrate a strong start to rethinking how fire and emergency services can be delivered to the county. Under the leadership of the Central Fire Protection District Chief, fire departments in the county have formed a consortium. The consortium will continue to explore and implement ways to cost effectively improve the operational efficiency and effectiveness of delivering of fire and emergency services in the county. The Grand Jury views the work of this consortium to be a prudent first step toward the County implementing Recommendations that will lead to constructive change.

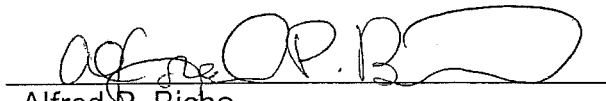
The Grand Jury considers the above actions, endorsed by town and city councils and the BOS through the participation of their fire departments in the consortium, to be good examples of the political will necessary to effect change.

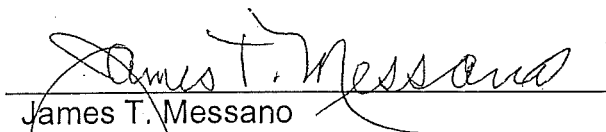
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<sup>5</sup> West Jordan was identified in the Report as an example of regional consolidation that offers a benchmark for other fire departments considering consolidation.

This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 10<sup>th</sup> day of May, 2012.

  
Kathryn G. Janoff  
Foreperson

  
Alfred P. Bicho  
Foreperson pro tem

  
James T. Messano  
Secretary